



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

RUECKER et al.

Serial No.: 09/766,500

Filed: January 19, 2001

Atty. File No.: 2997-19

For: "SOLVENTLESS EXTRACTION
PROCESS"

Commissioner of Patents
Washington, D.C. 20231

Dear Sir:

This Response to Restriction Requirement is being submitted in response to the Office Action dated July 16, 2001. This Response is being filed within the one month shortened statutory period, and therefore, no fees are believed to be due in connection with this response. However, in the event that any fees are due, please debit Deposit Account No. 19-1970.

The Examiner restricted the claims into three groups, as follows: Group I (Claims 1-19); Group II (Claims 20-34); and Group III (Claims 35-46). Applicants hereby elect for prosecution the claims of Group I, Claims 1-19, with traverse.

The Patent Office may require restriction if two or more "independent and distinct" inventions are claimed in one application. However, "if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions. M.P.E.P. § 803. Applicants submit that a thorough search for Group I should also include the subject matter of Groups II and III. In

) Group Art Unit: 1621

) Examiner:

RESPONSE TO
RESTRICTION REQUIREMENT

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO COMMISSIONER OF PATENTS, WASHINGTON, D.C., 20231 ON AUGUST 16, 2001.

SHERIDAN ROSS P.C.

BY: *Constance Robnett*

TECH CENTER 1600/2900

AUG 23 2001

RECEIVED

#16
8/25/01
J. M. M. M.

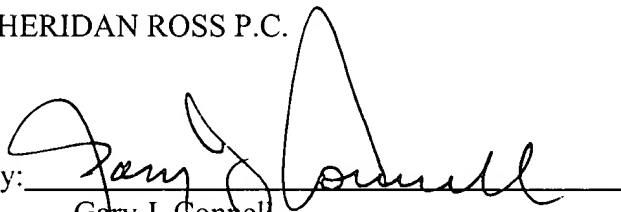
the present case, the subject matter of these groups cited by the Examiner is sufficiently small and so closely related as to be capable of examination together. The Restriction Requirement in this case only serves to increase the prosecution expense to the applicants and to the Patent and Trademark Office.

More specifically, with regard to the restriction between Groups I and II, the two independent claims in the respective groups are Claims 1 and 20. The subject matter of steps (a)-(d) of Claim 1 is highly related to the subject matter of steps (c)-(f) in Claim 20. Thus, in effect, Claim 20 simply claims a more narrow embodiment of the generic subject matter of Claim 1. Similarly, steps (c)-(i) of Claim 35 simply recite a more specific process of the generic process in steps (a)-(d) of Claim 1. Thus, for the Examiner to do a search of the full scope of Claim 1, the subject matter of Groups II and III will necessarily be searched, as well.

For the foregoing reasons, Applicants request that the Examiner reconsider and withdraw the restriction requirement made in the Office Action dated July 16, 2001.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: 

Gary J. Connell
Registration No. 32,020
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
(303) 863-9700

Date: 16 August 2001